

c) REMARKS

The claims are 1-13, 16-22 and 25-27 with claims 1 and 25 being independent. In updating the status of the claims on allowance Applicants became aware that an inadvertent error had been made in claims 14 and 15, as filed. When this subject matter was added to independent claims 1 and 25 the error was introduced therein.

Support for the correction to claims 1, 16, 17 and 25 in which “magnetic particles” is amended to read --magnetite particles-- is found, inter alia, on page 16, lines 11-14; page 17, lines 3-10; page 18, lines 2-14; page 19, lines 5-17; page 20, lines 2 and 7; page 23, lines 24-26; page 26, line 11; page 97, line 16 and Magnetic Carriers A-1 and A-3 to A-6.

When the subject U.S. application was being translated into English from the Japanese priority application Nos. 054232/2001 and 054233/2001, original claims 14 and 15 were inadvertently mistranslated from Japanese to recite “magnetic particles” rather than --magnetite particles-- as employed in the corresponding priority applications. This error is clear because claim 15 requires the presence of Fe which is always present in magnetite, but need not be present in “magnetic particles.” Furthermore, originally filed claims 16-18 which depend from claim 15 each recited the phrase “said magnetite particles” not “said magnetic particles”.

In the Official Action of April 25, 2003, claims 15-18 were deemed allowable. At that time, claims 16-18 used the term “magnetite particles” and claim 15 used the term “magnetic particles”. To expedite prosecution, Applicants then amended

independent claims 1 and 25 to include the subject matter of allowable claim 15 in their Response filed July 25, 2003.

In the telephonic interview with the undersigned on August 25, 2003, the Examiner agreed that the claims were allowable for the reasons summarized in the Statement of Reasons for Allowance, none of which relied on the phrase “magnetic particles.” The claimed ratios were said, inter alia, to distinguish over the art. The Examiner recognized that the claimed ratios based on “Fe in magnetite particles” (emphasis supplied) distinguished over Tokunaga ‘740.

During that interview, the Examiner noted claims 16 and 17 needed to be amended to refer to “magnetic particles”, to be consistent with amended claim 1. This change was authorized and was made in the Examiner’s Amendment of September 2, 2003.

The present Amendment should be entered because it narrows all the claims and corrects an obvious, inadvertent error in original dependent claims 14 and 15. No material work is required on the part of the Office, no new search is needed, no new issues are raised and no more than a cursory review of the record is required.

The inadvertent mistranslation in dependent claims 14 and 15 is regretted. However, to be consistent the amendment should be entered. No one benefits from the presence of typographical errors, neither the public nor Applicants.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants

Registration No. 24947

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 388696v1